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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,044	06/21/2001	Stefan D. Beckers	DVP:102 US	9440
24041	7590	12/10/2004	EXAMINER	
SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221-5406			DEL SOLE, JOSEPH S	
			ART UNIT	PAPER NUMBER

1722

DATE MAILED: 12/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/830,044

Applicant(s)

BECKERS ET AL.

Examiner

Joseph S. Del Sole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004 and 26 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,8 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,8 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because **a)** the lines, numbers and letters are not uniform, clean and well defined (of a generally poor quality) in each of the 14 figures (37 CFR 1.84(l)). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Claim Objections***

2. Claim 8 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 8 does not further limit the structure of apparatus claim 2 because the limitation "the tubular member acts as a guide for the tube" does not structurally limit the tubular member of claim 8 from the tubular member of claim 2. The claims and supporting specification do not set forth differences between a tubular member and a tubular member that acts as a guide for tubular film.

3. Claim 10 is objected to because of the following informalities: **a)** "into a an extruded" at line 4 of claim 10 should be changed to --into an extruded--. Appropriate correction is required.

***.Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 8 and 10 rejected under 35 U.S.C. 102(b) as being anticipated by Harvey et al (4,939,235).

Harvey et al teach an apparatus (Fig 5) for producing blown tubular film having an extrusion means for continuously extruding and producing a blown tubular film (Fig 5 and col 6, lines 45-47); an extruder (Fig 5, #38) for continuously extruding; a means for blowing the extrusion into an extruded blown film (Fig 5, #38); precipitation means for solidifying the extruded cellulose film (Fig 5, #40, including #41 and the tubular structure extending from #38 into #41, surrounding the blown film and in the fluid of #41; the Examiner notes that as structurally set forth the precipitation is a receptacle for fluid to contact film, the use of a specific fluid for a specific purpose is an intended use and does not serve to structurally limit the claimed apparatus); draw means (Fig 5, #46) positioned downstream of the extrusion means for continuously drawing the extruded cellulose film from the extrusion means; a tubular member (Fig 5, the tubular structure extending from #38 into #41, surrounding the blown film and in the fluid of #41) for containing the precipitation means and for receiving the extruded blown tubular film wherein the tubular member is situated within a precipitation bath (Fig 5, #41); wherein the tubular member acts as a guide for the tubular cellulose film (Fig 5).

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6. Claims 1, 2, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Turner et al (3,778,205).

Turner et al teach an apparatus (Fig 1) for producing blown tubular film having an extrusion means for continuously extruding and producing a blown tubular film (Fig 1); an extruder (Fig 1, #11) for continuously extruding; a means for blowing the extrusion into an extruded blown film (Fig 1, #11); precipitation means for solidifying the extruded cellulose film (Fig 1, #s 15 and 16; the Examiner notes that as structurally set forth the precipitation is a receptacle for fluid to contact film, the use of a specific fluid for a specific purpose is an intended use and does not serve to structurally limit the claimed apparatus); draw means (Fig 1, #14) positioned downstream of the extrusion means for continuously drawing the extruded cellulose film from the extrusion means; a tubular member (Fig 1, #15) for containing the precipitation means and for receiving the extruded blown tubular film wherein the tubular member is situated within a precipitation bath (Fig 1, #28); wherein the tubular member acts as a guide for the tubular cellulose film (Fig 1).

7. Claims 1, 2, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Loe et al (4,750,873).

Loe et al teach an apparatus (Fig 1) for producing blown tubular film having an extrusion means for continuously extruding and producing a blown tubular film (Fig 1); an extruder (Fig 1, #1) for continuously extruding; a means for blowing the extrusion into an extruded blown film (Fig 1, #17); precipitation means for solidifying the extruded cellulose film (Fig 1, #13, col 3, lines 47-51; the Examiner notes that as structurally set

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forth the precipitation is a receptacle for fluid to contact film, the use of a specific fluid for a specific purpose is an intended use and does not serve to structurally limit the claimed apparatus); draw means (col 2, lines 39-50) positioned downstream of the extrusion means for continuously drawing the extruded cellulose film from the extrusion means; a tubular member (Fig 1, #3) for containing the precipitation means and for receiving the extruded blown tubular film wherein the tubular member is situated within a precipitation bath (Fig 1, #4); wherein the tubular member acts as a guide for the tubular cellulose film (Fig 1).

8. Claims 1, 2, 8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Seifried et al (3,725,519).

Seifried et al teach an apparatus (Fig 1) for producing blown tubular film having an extrusion means for continuously extruding and producing a blown tubular film (Fig 1); an extruder (Fig 1, #1) for continuously extruding; a means for blowing the extrusion into an extruded blown film (Fig 1, #8 and col 7, lines 12-15); precipitation means for solidifying the extruded cellulose film (Fig 1, #5; the Examiner notes that as structurally set forth the precipitation is a receptacle for fluid to contact film, the use of a specific fluid for a specific purpose is an intended use and does not serve to structurally limit the claimed apparatus); draw means (Fig 1, #6) positioned downstream of the extrusion means for continuously drawing the extruded cellulose film from the extrusion means; a tubular member (Fig 1, the tubular member between #s 5a and 5b) for containing the precipitation means and for receiving the extruded blown tubular film wherein the

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tubular member is situated within a precipitation bath (Fig 1, #s 5a and/or 5b); wherein the tubular member acts as a guide for the tubular cellulose film (Fig 1).

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1, 2 and 8 have been considered but are moot in view of the new ground(s) of rejection.

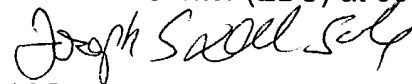
Regarding the maintained objection of claim 8, as stated above, there is no structural difference between the tubular member as claimed in claim 2 and the tubular member that acts as a guide as claimed in claim 8.

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Joseph S. Del Sole whose telephone number is (571) 272-1130. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Benjamin Utech, can be reached at (571) 272-1137. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for both non-after finals and for after finals.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from the either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll-free).



J.S.D.  
December 7, 2004